

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference CI0119PCT	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, Item 5 below.	
International application No. PCT/EP2004/007321	International filing date (day/month/year) 05/07/2004	(Earliest) Priority Date (day/month/year) 04/07/2003
Applicant CFS WEERT B.V.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the International search was carried out on the basis of the International application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of invention is lacking** (see Box III).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regards to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 1

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

- b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/EP2004/007321

Box No. IV Text of the abstract (Continuation of item 5 of the first sheet)

There is provided a package (1) and a method where the package comprises a plastic film with at least one seam (2, 6), said film enclosing a tray (3), said film comprising opening means (51) being provided for the possibility to open said packages at a predetermined position of the package, where said package and said tray comprise means to partially unbag said tray from said package up to a predetermined maximum extent (5, 31).

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/007321

International filing date (day/month/year)
05.07.2004

Priority date (day/month/year)
04.07.2003

International Patent Classification (IPC) or both national classification and IPC
B65D5/38, B65D75/58

Applicant
CFS WEERT B.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/007321

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/007321

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-8
	No: Claims	9,10
Inventive step (IS)	Yes: Claims	1-8
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-8
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

- 1 The following documents are referred to in this communication:

D1 : EP 0 976 665 A

D2 : FR 2 649 672

- 2 Document D1, which is considered to represent the most relevant state of the art for the matter defined in both independent claims 1 and 9, discloses a package comprising a closed bag of plastic film containing a tray according to the preamble of claim 1.

From this, the subject-matter of independent claim 1 differs in that:

- the package and/or the tray comprise means to partially unbag said tray from said package only up to a predetermined maximum extent.

3. Document D2 discloses a telescopic carton box constituted by an external rigid cover containing an internal container which can be pulled out to a certain extent from the cover thanks to stop means formed on both cover and internal container.

- 3.1 In spite of the fact that such stop means perform the same operation as in the present application, it is considered implausible that the skilled man could combine the teaching of D1 and D2, regarding it as an obvious design option to include this feature in the package described in D1, so to arrive to a package according to claim 1, because of the very different nature of the packages disclosed in D1 and D2.

The problems to be solved by the two inventions are different as well.

The problem to be solved by the present invention is that of render a user able of re-packing the goods contained in a flexible plastic bag in a secure and easy way.

The problem to be solved by the carton box of D2 is that of providing an inviolable box in which the contained goods should remain in the darkness.

- 3.2 The subject-matter of claim 1 is therefore novel (Article 33(2) PCT) and the solution to the above-mentioned problem proposed in claim 1 is considered as involving an inventive step (Article 33(3) PCT).

4. With respect to independent claim 9 (and dependent claim 10), it is observed that the therein defined steps of the claimed method are completely obvious when seen in the light of the package disclosed in D1. In other words, the same steps should be performed by the user of a package according to D1 for removing the goods from the package and, if necessary, to reinsert the goods in the package. It is the user's choice that of partially or completely unpacking the tray from inside the known plastic bag.
- 4.1 The subject-matter of claim 9, therefore, does not meet the criteria of Article 33(1) PCT, because it is not new in the sense of Article 33(2) PCT.

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 B65D5/38 B65D75/58

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 B65D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X A	EP 0 976 665 A (LARSEN STEEN) 2 February 2000 (2000-02-02) paragraph '0001! ✓	9, 10 1-8
X A	GB 2 231 322 A (BASS NEIL) 14 November 1990 (1990-11-14) ✓ pages 1,2; figure 1	9, 10 1-8
X A	FR 2 789 051 A (NORDIA) 4 August 2000 (2000-08-04) ✓ abstract; figure 1	9, 10 1
A	FR 2 649 672 A (GAGNIER SA CARTONNAGES) 18 January 1991 (1991-01-18) ✓ abstract ----- -/--	1

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the international search

19 October 2004

Date of mailing of the international search report

27/10/2004

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INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP2004/007321

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 4 468 811 A (DAHL FRIEDHELM ET AL) 28 August 1984 (1984-08-28) abstract ✓	1,5,10
A	DE 81 10 167 U (UNILEVER NV) 7 January 1982 (1982-01-07) ✓ the whole document	1,5

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INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP2004/007321

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0976665	A	02-02-2000	DK 79392 A	16-12-1993
			DK 83992 A	26-12-1993
			AT 213712 T	15-03-2002
			DE 9321469 U1	10-09-1998
			DE 69331645 D1	04-04-2002
			DE 69331645 T2	14-11-2002
			DK 9800286 Y4	26-02-1999
			DK 976665 T3	10-06-2002
			EP 0575286 A1	22-12-1993
			EP 0976665 A2	02-02-2000
			ES 2173692 T3	16-10-2002
			FI 932733 A	16-12-1993
			NO 932181 A	16-12-1993
			PT 976665 T	30-08-2002
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			BE 1002275 A6	13-11-1990
FR 2789051	A	04-08-2000	FR 2789051 A1	04-08-2000
FR 2649672	A	18-01-1991	FR 2649672 A1	18-01-1991
US 4468811	A	28-08-1984	AT 65469 T	15-08-1991
			DE 3382355 D1	29-08-1991
			EP 0120161 A1	03-10-1984
			GB 2136770 A , B	26-09-1984
DE 8110167	U	07-01-1982	DE 8110167 U1	07-01-1982

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